

Exhibit K

Francesco Ciambriello

04/07/2005

1

Volume: I

Pages: 1-182

Exhibits: 1-5

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

----- X

HEATHER KIERNAN,

Plaintiff,

v.

CA No. 10131MLW

ARMORED MOTOR SERVICES OF AMERICA, INC.

And FRANCESCO CIAMBRIELLO,

Defendants.

----- X

DEPOSITION OF FRANCESCO CIAMBRIELLO

Thursday, April 7, 2005

10:00 a.m.

McLeod Law Offices, P.C.

77 Franklin Street

Boston, Massachusetts 02110

Reporter: Carol A. Pagliaro, CSR/RPR/RMR

1 Q. And if you could please describe for me what
2 the interior of the room looked like.

3 A. When you walk in there is a little table,
4 then on the left, on the left side, is file cabinet.
5 On the top is all kind of police car. There is a
6 window, and there is chairs and a desk.

7 Q. And when you walked in what was the next
8 thing that happened?

9 A. We started hugging and kiss, and then --

10 Q. When you say you started hugging, who hugged
11 whom?

12 A. We both were hugging and kiss each other,
13 and then --

14 Q. When you say kiss, was it open-mouthed?

15 A. Yes.

16 Q. Was the tongue involved?

17 A. Yes.

18 Q. Both?

19 A. Yes.

20 (whereupon the luncheon recess was taken
21 from 1:00 p.m. to 2:00 p.m.)
22
23
24

Francesco Ciambriello

04/07/2005

110

AFTERNOON SESSION

EXAMINATION, cont'd

BY ATTY. MCLEOD:

Q. We had left off where you had walked into the room with Ms. Kiernan and you testified that you began to hug and kiss?

A. Yes.

Q. How long did that last?

A. About 2, 3 minutes, and she said, I can't go through that, I'm a married woman. We stopped, she went in the bathroom, I went in the office where the sitting area, that's it.

Q. So it's your testimony that all you did was hug and kiss?

A. Yes.

Q. You didn't pull her shirt up?

A. No.

Q. You didn't touch her breasts?

A. No, because we were like that. Maybe my chest touch her breasts.

Q. You didn't touch her bare breasts?

A. No.

Q. You didn't bite here?

Francesco Ciambriello

04/07/2005

111

1 A. No.

2 Q. You didn't pull her pants down?

3 A. No.

4 Q. Penetrate her with your fingers?

5 A. No.

6 Q. Did you touch her genitals at all?

7 A. No, I just touch the back like that, we kiss
8 both each other, and that's all that happening.

9 Q. And how long were you in the room?

10 A. 2, 3 minutes, because she said, I'm a
11 married woman, you know, I can no do this. We
12 stopped, went in bathroom, went in office, case
13 closed.

14 Q. Did you, at any time, remove your penis from
15 your pants?

16 A. No.

17 Q. Did you, at any time, take her hand and put
18 it on your penis through your pants?

19 A. No.

20 Q. And how long were you in the office again?

21 A. Two, three minutes.

22 Q. Just two or three minutes?

23 A. That's it. After we started kiss each
24 other, then she say, I'm a married woman, I cannot

1 go through this. Okay.

2 Q. Now the videotape would have showed you
3 going into the office?

4 A. Yes.

5 Q. And it would have showed somebody coming out
6 of the office?

7 A. Yes.

8 Q. And would it also have had the time stamped
9 on the tape as the time of day?

10 A. Yes.

11 Q. So she went into the bathroom.

12 A. She went in the bathroom, yes.

13 Q. Was there a separate men's room and ladies
14 room there?

15 A. Yes.

16 Q. Could both of them lock?

17 A. I have no idea. I never been in a woman
18 bathroom. I don't know.

19 Q. Could you lock the men's room, do you know?

20 A. I don't think so, because -- no.

21 Q. Do you have any idea how long she was in the
22 bathroom?

23 A. Two, three minutes, four minutes, no longer
24 than that, because she come out, I was in the soda